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Oyvind Stromme

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EXAMINER

SMITH, CHENEA

ART UNIT

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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,747	Applicant(s) STROMME, OYVIND	
	Examiner CHENEA P. SMITH	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 3/16/2009. Claims 1-2, 4, 6 and 12-14 are amended. Claim 5 is cancelled. Claims 15-18 are new. Claims 1-4 and 6-18 are pending in this action.

Response to Arguments

2. Applicant's arguments filed 3/16/2009 have been fully considered but they are not persuasive.

3. In response to Applicant's arguments on page 11, and similar subsequent arguments, that *"In contrast, the Lemmons/Markel does not calculate a first set of oriented views of the preregistered picture in various orientations, associate each of the oriented views with an orientation index that identifies the physical orientation of the oriented view, and select the orientation index of the oriented view having the same orientation as an area in a current image"*, the Examiner respectfully disagrees. The Lemmons/Markel reference teaches that various positions of the hot spots are created, which may have translated, rotated, enlarged, or otherwise changed from a previous position (see Markel, page 11, lines 11-17), which reads on the limitation of "providing, with a calculator, a first set of oriented views of the preregistered

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picture in various orientations”. The reference also teaches that the different positions of the hot spots are saved in a table, which therefore provides an index that identifies the physical orientation of the hot spots, as they are stored by position of the hot spots, and not by some other characteristic of the hot spots (see Markel, page 11, lines 11-20). This, then, reads on the limitation of “associating each oriented view of the first set of oriented views with an orientation index that identifies the physical orientation of the oriented view”. In addition, The Lemmons/Markel reference teaches that as an object moves and changes, so may the hot spot associated with the object (see Markel, page 5, lines 25-26), and that the hot spots may rotate, translate, zoom, or otherwise change shape, position or size as it tracks the object (see Markel, page 5, lines 26-31). If the hot spots rotate, translate, zoom, or otherwise change shape, position or size in relation to the object that it is tracking, then the object must also rotate, translate, zoom, or otherwise change shape, position or size accordingly. Therefore, this reads on the limitation of “selecting the orientation index of the oriented view having the same orientation as an area in a current image”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-9 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons (of record).

Regarding claims 1 and 12, Lemmons discloses a method for generating a stream of video images (scenes/frames of the video, see Lemmons, [0031], lines 1-2 and Figs. 6A and 6B) such as, at the reception, in each current video image, a preregistered picture (labels 610/620, see Lemmons, Figs. 6A and 6B) can be superimposed to a predetermined area of a moving object (soda can 608/618, see Lemmons, Figs. 6A and 6B), comprising:

providing, with a calculator, a first set of oriented views of the preregistered picture in various orientations (the set of views being the saved information of the positions and parameters of the hot spot that defines the trajectory of the hot spot, see page 5, lines 1-9, page 10, lines 11-17 and page 11, lines 11-30 of Markel, 60/354,745), which is incorporated by reference, and Lemmons, [0050], lines 1-8),

associating each oriented view of the first set of oriented views with an orientation index that identifies the physical orientation of the oriented view (The reference teaches that the different positions of the hot spots are saved in a table, which therefore provides an index that identifies the physical orientation of the hot spots, as they are stored by position of the hot spots, and not by some other characteristic of the hot spots (see '745, page 11, lines 11-20 and Fig. 7),

storing, in a machine-readable medium, the first set of oriented views associated with each orientation index (see '745, page 11, lines 11-20),

estimating in each video image the location, orientation and size of the area of the object (see Lemmons, [0083]-[0084], line 5),

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selecting the orientation index of the oriented view having the same orientation as the area in the current image (see Lemmons, Figs. 6A-6B and [0082]-[0083], line 5, and '745, Fig. 7 and page 5, lines 1-9), and

transmitting with each current image the selected orientation index along with information on the location and size of the area (see Lemmons, [0084], lines 5-9 and '745, page 9, lines 14-29 and page 12, lines 1-3).

Regarding claims 2 and 13, Lemmons discloses downloading (see Lemmons, [0084], lines 5-9 and '745, page 9, lines 14-29 and page 12, lines 1-3) at least one second set of views of the picture, corresponding to the first set of oriented views (the second set of views are the updates to the hot spots, see Lemmons, [0010], lines 10-18, [0013], lines 6-14 and [0040], lines 6-7), and for each transmitted current image:

extracting the orientation index and the size and location information (see Lemmons, Figs. 6A-6B and [0082]-[0083], line 5, and '745, Fig. 7 and page 5, lines 1-9),

selecting, from the second set of views, an oriented picture in accordance with the orientation index (see Lemmons, Figs. 6A-6B and [0082]-[0083], line 5, and '745, Fig. 7 and page 5, lines 1-9),

computing a scaled picture on the basis of the size information (see Lemmons, [0082]-[0084], line 5, Figs. 6A-6B and '745, Fig. 7 and page 5, lines 1-9), and

superimposing the scaled picture in the current image at a location corresponding to the location information (see Lemmons, Figs. 6A-6B and [0082]-[0083], line 5, and '745, Fig. 7 and page 5, lines 1-9).

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Regarding claim 3, Lemmons discloses, at the beginning of a TV program to be transmitted, the second set of views is downloaded in video receivers (As the labels/label information may be downloaded, and it is very well known in the art and common that a download can occur at any time, Lemmons fairly suggests that at the beginning of a TV program to be transmitted, the second set of views is downloaded in video receivers, see Lemmons, [0084], lines 5-9 and '745, page 9, lines 14-29 and page 12, lines 1-3).

Regarding claim 4, Lemmons discloses the second set of views is identical to the first set of oriented views (Lemmons teaches that the labels may be altered or replaced, which thereby reasonably suggests that the second set of views can be replaced with the same or different content, see Lemmons, [0010], lines 7-8).

Regarding claim 6, Lemmons discloses the second set of views contains picture frames of same orientation of the first set of oriented views (hot spots outlining the same object as those of the first set of views, see Lemmons, [0010], lines 10-18, [0013], lines 6-14 and [0040], lines 6-7 and '745, page 5, lines 4-24), with a picture content (Lemmons teaches labels/hot spots, i.e., hot labels, see Lemmons, [0010], lines 1-7).

Regarding claim 7, Lemmons discloses the content of the second set of views depends upon the geographic broadcasting zone (see Lemmons, [0013], lines 6-14 and [0040], lines 1-13).

Regarding claim 8, Lemmons discloses the location and orientation information in a current image are calculated for a reference point of the object (see Lemmons, [0083]-[0084], line 5).

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Regarding claim 9, Lemmons discloses, in a current image, the location, orientation and size of an object are provided in a differential way with respect to a former image (see '745, page 13, line 30 – page 14, line 11).

Regarding claim 11, Lemmons discloses using shape recognition tools to detect the presence of the moving object in the current image on the basis on a stored geometrical representation (see Lemmons, [0064], lines 20-32).

Regarding claim 14, Lemmons discloses a second set of views contains picture frames of same orientation of the first set of views, with a picture content (the second set of views are the updates to the hot spots, see Lemmons, [0010], lines 10-18, [0013], lines 6-14 and [0040], lines 6-7 and Figs. 6A-6B).

Regarding claim 15, Lemmons discloses in which the first set of oriented views contains only picture frames (because Lemmons teaches that an object may be defined with a hot spot of which may only include an outline of a specific area, it is fairly suggested that a first set of views contains only picture frames, as there is no specific ad or label visible, see '745, page 5, lines 4-24).

Regarding claims 16 and 18, Lemmons discloses superimposing, with a video receiver, the oriented view having the same orientation as the area in the current image in the current image (see Lemmons, Figs. 6A-6B and [0082]-[0083], line 5, and '745, Fig. 7 and page 5, lines 1-9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (of record), as applied to claim 1 above, and further in view of Wixson (of record).

Regarding claim 10, Lemmons does not specifically disclose static points of an image are localizable to detect when a new object comes into a next image.

In an analogous art, Wixson discloses static points of an image are localizable to detect when a new object comes into a next image (see col 1, lines 26-32).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Lemmons' system to include static points of an image are localizable to detect when a new object comes into a next image, as disclosed by Wixson, for the advantage of providing an advertisement to the newly detected object.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (of record), as applied to claim 1 above, and further in view of Martinolich et al. (US20030023971, hereinafter Martinolich).

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Regarding claim 17, Lemmons does not specifically disclose superimposing, with a video production mixer, the oriented view having the same orientation as the area in the current image in the current image.

In an analogous art, Martinolich discloses superimposing, with a video production mixer, the oriented view having the same orientation as the area in the current image in the current image (see [0020], lines 1-8, [0022], lines 1-19 and Fig. 1).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Lemmon's system to include the limitations as disclosed by Martinolich, for the advantage of using a commonly know and widely used device that allows secondary information to be added to a video signal.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Chenea P. Smith/
Examiner, Art Unit 2421